

GODFREAD LAW FIRM, P.C.

100 South Fifth Street, Suite 1900, Minneapolis, MN 55402

November 3, 2011

Via Facsimile (212) 202-4936

John Meringolo, Esq.
Meringolo & Associates, P.C.
375 Greenwich Street
New York, NY 10013

Re: Chaim Lowenstein
Leave to appear at settlement conference on 12/12/2011
Lowenstein v. Kane 10-cv-02857 (District of Minnesota)

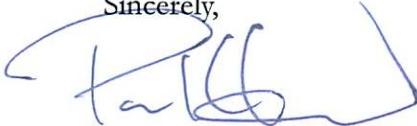
Dear Mr. Meringolo,

I represent Chaim Lowenstein in his civil case against Tom Kane, Jr. and Dietz-Kane and Associates for trademark infringement and other related matters currently before Judge Susan Richard Nelson in the U.S. District Court for the District of Minnesota. Judge Nelson heard our motion for summary judgment on October 31 and ordered Lowenstein and Kane each to appear in person before Magistrate Judge Arthur Boylan for a settlement conference. A copy of the ECF Notice of the Order is attached. The conference has been scheduled for December 12, 2011 at 10:00 am in Magistrate Judge Boylan's chambers. As I understand it, Mr. Lowenstein would need permission of the U.S. District Court for the Eastern District of New York in order to appear at that settlement conference.

The issue of appearing telephonically was raised by Lowenstein during the last attempt at a settlement conference in late 2010 and Magistrate Judge Boylan denied his request at that time. The conference was held without Mr. Lowenstein's personal appearance but no settlement was reached. Opposing counsel has already moved to sanction Mr. Lowenstein for his past failure to appear. Judge Nelson did not comment on that motion for sanctions and has taken the motion under advisement. Judge Nelson did however order Mr. Lowenstein to appear in person at this upcoming settlement conference and stated that sanctions would be imposed if he failed to appear.

Please use this letter to support a request to the court in the Eastern District of New York to allow Mr. Lowenstein leave to travel to Minnesota in order to appear for the settlement conference on December 12, 2011. Please let me know if there are any questions or concerns.

Sincerely,


Paul Godfread

Enclosure

From: ecf-notice@mnd.uscourts.gov
Subject: Activity in Case 0:10-cv-02857-SRN-AJB Lowenstein v. Kane et al Order
Date: November 2, 2011 11:30:36 AM CDT
To: mndecnotifications@mnd.uscourts.gov

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.
NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court
District of Minnesota

Notice of Electronic Filing

The following transaction was entered on 11/2/2011 at 11:30 AM CDT and filed on 11/2/2011

Case Name: Lowenstein v. Kane et al
Case Number: 0:10-cv-02857-SRN-AJB
Filer:
Document Number: 65

Docket Text:
ORDER/NOTICE OF SETTLEMENT CONFERENCE: Settlement Conference set for 12/12/2011 10:00 AM in Judge's Chambers 9E (MPLS) before Chief Mag. Judge Arthur J. Boylan. Signed by Chief Mag. Judge Arthur J. Boylan on 11/2/2011. (imb)

0:10-cv-02857-SRN-AJB Notice has been electronically mailed to:

Paul A Godfread paul@godfreadlaw.com

Thomas J Okoneski okolaw@q.com

0:10-cv-02857-SRN-AJB Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filenamen/a

Electronic document Stamp:

{STAMP_dcedStamp_ID=1051215216 [Date=11/2/2011] [FileNumber=3488623-0]{ba9f8c53b20638967fb41bf7855b824a3adc5ed6dcadfc067747ff20d48965f3bb8 afe5269ae3d53b5e3c84c2e9a394163519f07aa1ea32668a990c071a2f3c2]}